



de maximis, inc.

186 Center Street
Suite 290
Clinton, NJ 08809
(908) 735-9315
(908) 735-2132 FAX

August 15, 2007

VIA ELECTRONIC & US MAIL

Ms. Alice Yeh
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

**Re: Monthly Progress Report No. 3 – July 2007
Lower Passaic River Study Area (LPRSA) Remedial Investigation/
Feasibility Study (RI/FS)
CERCLA Docket No. 02-2007-2009**

Dear Ms. Yeh:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- On July 19, 2007, representatives of CPG (de maximis and ENSR) participated in a conference call with representatives of EPA, USACE and NJDEP to discuss comments on the June 2007 SOW for Bathymetric Survey.

Ms. A Yeh
LPRSA RI/FS - Progress Report No.3 – July 2007
August 15, 2007
Page 2 of 5

Correspondence

- On July 2, 2007, the USACE emailed comments on the June 2007 SOW for Bathymetric Survey to the CPG; EPA provided an advanced comprehensive set of comments from stakeholders which were the subject of the July 19, 2007 conference call as described above. CPG received a final set of EPA comments on July 24, 2007 and the CPG provided responses on July 25, 2007.
- On July 5, 2007, the CPG received an email message forwarded by EPA on corrections to the ECOMSED code (as transmitted by Nicholas Kim of HydroQual to Earl Hayter of EPA).
- On July 6, 2007, the CPG provided Draft 2007 Sediment Grab Sampling Plan; Draft 2007 Habitat Identification Survey UFP QAPP; and Draft 2007 Reference/Urban Background Survey UFP QAPP.
- On July 9, 2007, the CPG received written comments on the ENSR Quality Management Plan (QMP); a comment response and change pages for the QMP were provided by the CPG to EPA on July 25, 2007.
- On July 10, 2007, the CPG provided Draft 2007 Fish Community/Fish/Crayfish Tissue Sampling UFP QAPP.
- On July 13, 2007, the CPG (de maximis) submitted an updated Critical Data Needs Status summary to EPA..
- On July 17, 2007, the CPG (ENSR) received an email transmitting the Peer review testing results and memorandum on ECOM-SED model from EPA.
- On July 20, 2007, the CPG (ENSR) received a CD-ROM containing GIS shape files on the net erosion and net deposition areas used in the CSM from MPI on behalf of EPA. On the same date, CPG (ENSR) received a CD-ROM of CADD/GIS files for Figures 4.1 through 4.6 from the Early Action Focus Feasibility Study (FFS).
- On July 25, 2007, the CPG (de maximis) received an email with the planned oversight schedule and staffing from EPA.
- On July 27, 2007, the CPG (ENSR) received a CD-ROM with Axys data package DPWG19452 with re-analysis data by HRGS-HRMS for pesticides for extracts previously analyzed by GC-LRMS/ECD from MPI.
- On July 27, 2007, the CPG (Windward Environmental) contacted NJ Fish and Wildlife concerning permitting.
- On July 30, 2007, the CPG (de maximis) received an email with the Passaic River portion of the 1995 NJDEP Urban Angler Survey from EPA.

Ms. A Yeh
LPRSA RI/FS - Progress Report No.3 – July 2007
August 15, 2007
Page 3 of 5

- On July 30, 2007, the CPG (de maximis) received comments on the June 7, 2007 Project Schedule submission.
- On July 30, 2007, the CPG (de maximis) received notification from EPA of the intent to schedule a conference call with the USACE for the bathymetric survey work.

Work

- Bathymetry Plan comments were addressed finalizing work approach for the bathymetry field work. A bathymetry subcontractor was contracted and a tentative plan for mobilizing was established (see (c) for upcoming schedule)
- An Addendum to the Health and Safety Plan (MPI 2005) was completed for field activities planned for the Fall of 2007.
- Aerial mapping work continues with a final product expected from the subcontractor by close of August.
- Site reconnaissance work related to the conduct of Sediment Grab Sampling, Habitat Identification Survey, Reference/Urban Background Survey and Fish Community/Fish/Crayfish Tissue Sampling was conducted.
- A laboratory Request for Proposals for analytical work proposed for the sample collection activities for the Fall 2007 was completed and distributed for pricing.
- Work continued on review of the Hydrodynamic model provided by EPA to CPG in late June.
- EPA's Pathways Analysis Report (PAR) was reviewed for potential modification related to toxicity values and change in guidance.
- Work commenced on development of the Feasibility Study Work Plan

(b) Results of Sampling and Tests

No sampling activities were conducted during this period; therefore, no results are available. Processing of the LPRSA aerial photography task approved by the EPA in March 2007 has progressed.

Ms. A Yeh
LPRSA RI/FS - Progress Report No.3 – July 2007
August 15, 2007
Page 4 of 5

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

The CPG anticipates receiving EPA comments on the following draft 2007 field work task documents during this period:

- Sediment Grab Sampling Plan
- Habitat Identification Survey UFP QAPP
- Reference/Urban Background Survey UFP QAPP
- Fish Community/Fish/Crayfish Tissue Sampling UFP QAPP

Consequently, it is the CPG's intention to respond to comments and finalize the plans. Field work will commence as soon as possible. At this point in time, only the Bathymetric Survey Plan has a definite start date; the land-based reconnaissance work will commence on August 20, 2007 with on-water activities to commence approximately August 27, 2007.

The CPG's review of EPA's Hydrodynamic Model is ongoing. Within the next two months, the CPG anticipates compilation of items and potential discussion with the EPA in accordance with Appendix E of the Settlement agreement

(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.

CPG is not in receipt of all of the Modeling Deliverables that were to be provided pursuant to Appendix E (Modeling Data Needs) of the Settlement Agreement on or about April 30, 2007. EPA informed CPG of the delay on May 4, 2007. The modeling deliverables are required no later than the third quarter of calendar year 2007 so as not to adversely impact the LPRSA RI/FS schedule. Only a portion of the Modeling Deliverables has been provided. Additionally, outstanding information for Critical Data Needs was also provided on July 13, 2007. Since that date additional information has been provided but not all information as stipulated. Prior to the CPG meeting with EPA on August 22, 2007 to review 2007 plans, the CPG will provide a revised list of Modeling and other Critical Data Needs that were to have been delivered to the CPG as detailed in Appendix E of the Settlement Agreement. The list will reflect all information as received by week ending August 17, 2007.

Ms. A Yeh
LPRSA RI/FS - Progress Report No.3 – July 2007
August 15, 2007
Page 5 of 5

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.


Willard F. Potter
Project Coordinator

cc: Sarah Flanagan, EPA Office of Regional Counsel
William Hyatt, CPG Coordinating Counsel
Megan Grubb, USACE
Lisa Baron, NJDOT
Tim Kubiak, USFWS
Reyhan Mehran, NOAA
Janine MacGregor, NJDEP
Kristine Carbonneau, ENSR